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Dated: 10/24/06

Signature: Andrea Berlo

(Andrea Berlo)

Docket No.: AREX-P03-002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ragupathy Madiyalakan

Confirmation No.: 7223

Application No.: 09/994,466

Art Unit: 1643

Filed: November 26, 2001

For: THERAPEUTIC BINDING AGENTS
AGAINST MUC-1 ANTIGEN AND METHODS
OF THEIR USE

Examiner: S. J. HUFF

STATEMENT ON PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Concurrently with the payment of the issue fee, and for the purpose of clarifying the record, Applicant files this statement. Applicant respectfully points out that the patent term adjustment indicated in the Notice of Allowance should be 420 days, rather than 148 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), which accompanies the Notice of Allowance and Fee(s) Due, states that:

The Patent Term Adjustment to date is 148 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 148 day(s).

Applicant respectfully submits that the Patent Term Adjustment (PTA) as indicated above should be 420 days (rather than 148 days), if the issue fee is paid on the date (*e.g.*, October 24, 2006) that is three months after the mailing date of the Notice of Allowance, and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice (*e.g.*, Jan. 30, 2006).

To support Applicant's position, Applicant has submitted herewith an "Analysis Summary Report" (attached as **Exhibit A**), which provides:

- (i) the correct PTA calculation and the bases therefor under 37 C.F.R. § 1.702,
- (ii) the relevant dates used in the calculation, as the relevant dates are specified in 37 C.F.R. §§ 1.703(a) through (e), if applicable, and the adjustment as specified in 37 C.F.R. § 1.703(f); and,
- (iii) the circumstances during the prosecution of the application resulting in the patent that are deemed to constitute a failure to engage in reasonable efforts to concluded processing or examination of such application as set forth in 37 C.F.R. § 1.704.

CONCLUSION

Applicants believe no fee is due with this statement. However, if any additional fee is due, please charge our Deposit Account No. **18-1945**, under Order No. **AREX-P03-002** from which the undersigned is authorized to draw.

Dated: October 24, 2006

Respectfully submitted,

By *Lisa M. Treannie*
Lisa Treannie

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Analysis Summary Report



APPLICATION INFORMATION			
Docket Number:	AREX-P03-002	Analysis Generated:	10/19/2006 03:52:19 PM ET
Application Number:	09/994,466	User Name:	Halstead, David
Filing Date:	11/26/2001	Firm/Company Name:	Ropes & Gray
Title/Inventors:	THERAPEUTIC BINDING AGENTS AGAINST MUC-1 ANTIGEN AND METHODS FOR THEIR USE; Ragupathy Madiyalakan, Edmonton, (CA)		
	Attorney/Agent Comments:		

AIPA TERM ANALYSIS SUMMARY	
Earliest Referenced Application under 35 USC § 120, 121, or 365(c):	08 / 18 / 2000
Filing Date (US National Application):	11 / 26 / 2001
Net Adjustment Credits:	742 Days
Net Adjustment Debits:	322 Days
Net Patent Term Adjustment:	420 Days
AIPA Patent Term End Date:	10 / 12 / 2021 (1)
(1) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 08/18/2020.	



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RULE APPLICATION SUMMARY						
Event	Rule Invoked	Related Event	Excluded Days	Debit Days	Credit Days	
A 11/26/2001 Filing Date under 35 USC 111(a) (US National Application)	14-Month PTO First Action PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1).	<i>First PTO Action:</i> 05/10/2004 Non-final Action	0	0	470	
B 11/26/2001 Filing Date under 35 USC 111(a) (US National Application)	3-Year PTO Issue of Patent PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b). You have elected to analyze this rule under the PTO Exclusion Interpretation. This election resulted in a different number of credit days under this rule.	<i>Issue Date:</i> 01/30/2007 Issue Date	0	0	742	
C 12/06/2001 Notice to File Missing Parts (nonprovisional application)	3-Month Applicant Response to Notice or Action Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b). Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c). You have indicated that no 1.705(c) Showing of Due Care was made.	<i>Applicant Response:</i> 02/21/2002 Oath or Declaration Filed (Original or Supplemental)	0	0	0	

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D	04/08/2003 Notice to Comply with Requirements for Sequence Disclosures	<u>3-Month Applicant Response to Notice or Action</u> Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b). Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c). You have indicated that no 1.705(c) Showing of Due Care was made.	<i>Applicant Response:</i> 05/06/2003 Preliminary Amendment	0	0	0
E	05/10/2004 Non-final Action	<u>3-Month Applicant Response to Notice or Action</u> Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b). Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c). You have indicated that no 1.705(c) Showing of Due Care was made.	<i>Applicant Response:</i> 11/10/2004 Reply after Non-final Action under 37 CFR 1.111	0	92	0
F	11/10/2004 Reply after Non-final Action under 37 CFR 1.111	<u>4-Month PTO Response to Applicant Reply</u> PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).	<i>PTO Response:</i> 11/30/2004 Final Rejection	0	0	0

G	<p>11/30/2004 Final Rejection</p> <p><u>3-Month Applicant Response to Notice or Action</u></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>05/04/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p>	0	65	0
H	<p>05/04/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p> <p><u>Exclusion for Appellate Review</u></p> <p>3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of the last decision by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. 35 USC 154(b)(1)(B)(ii); 37 CFR 1.702(b)(4), 1.703(b)(4).</p>	<p><i>Responsive Event:</i></p> <p>06/06/2005 Non-final Action</p>	34	0	0
I	<p>06/06/2005 Non-final Action</p> <p><u>3-Month Applicant Response to Notice or Action</u></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>12/06/2005 Reply after Non-final Action under 37 CFR 1.111</p>	0	91	0
J	<p>12/06/2005 Reply after Non-final Action under 37 CFR 1.111</p> <p><u>4-Month PTO Response to Applicant Reply</u></p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).</p>	<p><i>PTO Response:</i></p> <p>01/23/2006 Final Rejection</p>	0	0	0

<p>K</p> <p>01/23/2006 Final Rejection</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i> 07/06/2006 Notice of Appeal to Board of Patent Appeal and Interferences</p>	<p>0</p>	<p>74</p>	<p>0</p>
<p>L</p> <p>07/06/2006 Notice of Appeal to Board of Patent Appeal and Interferences</p>	<p>Exclusion for Appellate Review</p> <p>3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of the last decision by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. 35 USC 154(b)(1)(B)(ii); 37 CFR 1.702(b)(4), 1.703(b)(4).</p>	<p><i>Responsive Event:</i> 07/24/2006 Notice of Allowance under 35 USC 151</p>	<p>19</p>	<p>0</p>	<p>0</p>
<p>M</p> <p>07/24/2006 Notice of Allowance under 35 USC 151</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i> 10/24/2006 Issue Fee Payment under 35 USC 151</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>N</p> <p>10/24/2006 Issue Fee Payment under 35 USC 151</p>	<p>4-Month PTO Issue of Patent</p> <p>PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).</p>	<p><i>Issue Date:</i> 01/30/2007 Issue Date</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>Total Exclusion, Debit, and Credit Days</p>			<p>53</p>	<p>322</p>	<p>1212</p>

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Overlap Days		0	0	0
Net Exclusion, Debit, and Credit Days		53	322	742†
Net Patent Term Adjustment Days				420
The term of this patent ends on 10/12/2021 (2)				
(2) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 08/18/2020.				
†Net credits were limited by 37 CFR § 1.703(f) "Actual Delay" limitation. See calculation below.				

37 CFR § 1.703(f) "ACTUAL DELAY" CALCULATION			
	Credit Days During Exclusionary Periods	Credit Days During Non-Exclusionary Periods	
		Three-Year Issue Guarantee	All Other Rules
Net Credit Days	0	742	470
Maximum Credit Days under 37 CFR § 1.703(f) "Actual Delay" Limitation		742	

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